

REMARKS

Claims 1-7 have been examined, and have been rejected under 35 U.S.C. § 103(a).

I. Rejections under 35 U.S.C. § 103(a) in view of U.S. Patent No. 5,610,635 to Murray et al. ("Murray") and U.S. Patent No. 5,930,553 to Hirst et al. ("Hirst")

The Examiner has rejected claims 1-5 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Murray in view of Hirst.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites, "a memory device storing therein data indicative of when the used ink cartridge was recycled."

The Examiner acknowledges that Murray does not disclose the above feature, but contends that Hirst does. Applicant respectfully traverses the rejection. For example, as shown in Fig. 2 of Hirst, the memory device 19 can store a manufacture date of a new cartridge. However, a re-manufacture date, or data indicative of when a used ink cartridge was recycled, is not disclosed as being saved in the memory device 19. Further, in col. 6, lines 4-11 of Hirst, the reference discloses that data can be collected from a recycled consumable when it is returned to a factory, but is silent as to a date when the ink cartridge was actually recycled, as recited in claim 1.

Accordingly, Applicant submits that Hirst fails to cure the deficient teachings of Murray, and respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claims 2-5

Since claims 2-5 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

II. Rejections under 35 U.S.C. § 103(a) in view of U.S. Patent No. 6,126,265 to Childers et al. ("Childers") and Hirst

The Examiner has rejected claims 1, 2, 6 and 7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Childers in view of Hirst.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites, "a memory device storing therein data indicative of when the used ink cartridge was recycled."

The Examiner acknowledges that Childers does not disclose the above feature, but contends that Hirst does. However, for analogous reasons as set forth above, Applicant submits that Hirst fails to cure the deficient teachings of Childers.

Accordingly, Applicant submits that claim 1 is patentable over the cited references and respectfully requests the Examiner to reconsider and withdraw the rejection.

Amendment under 37 C.F.R. § 1.111
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B. Claims 2, 6 and 7

Since claims 2, 6 and 7 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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